

**Village of Brewster
Planning Board Meeting Minutes
September 15, 2020**

BOARD MEMBERS:

Rick Lowell, Chairman
Janet Ward, Vice Chairperson
David Kulo
Marti Foster
Katy New

PROFESSIONAL ADVISORS:

Greg Folchetti, Attorney - Costello & Folchetti
Todd Atkinson, PE – J.R. Folchetti & Associates

Chairman Lowell led the Board in the Pledge of Allegiance, whereupon the proceedings were called to order at 7:30pm.

REGULAR MEETING:

Chairman Lowell made a motion to open the regular meeting. This was seconded by Boardmember Foster and passed unanimously.

The minutes of the August 19, 2020 meeting were discussed. The motion to approve the August 19, 2020 minutes as amended was introduced by Chairman Lowell, seconded by Boardmember Ward and passed all in favor.

85 MAIN STREET:

Alan Dylan, Esq. of Dylan & Dylan LLC; David Guerrero EIT of SVN Design; Nelson Guerrero, Architect of SVN Design; and Julio Delgado, property owner, represented this application before the Board.

Chairman Lowell said on September 9 two members of the Planning Board of Brewster (Katy New and Rick Lowell), two members of the Village Board (Mary Bryde and George Gaspar), Village Engineer (Todd Atkinson), and Code Enforcement Officer (Bill Scorca) did a walk-through of 85 Main Street in Brewster. The purpose was to see firsthand exactly how much work had been done, how much still needs to be done, the condition of the property, and to gain the advice of the engineer and code enforcement on the status of the project, he said. The property owner (Julio Delgado) and attorney (Alan Dylan) provided the tour, he said.

Mr. Atkinson said the building was in pretty poor condition before they started their work and the work and design that is being presented by Mr. Guerrero moving forward is, in my opinion, going to resurrect a building that was in very poor condition that is right on Main Street in the Village. He said they have stayed within the original footprint; they haven't increased any coverages such as impervious surfaces so based on review of the project, I think the building is well on its way to becoming what it was in its glory days. He said in my opinion I would recommend potentially waiving the Planning Board

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requirements for Site Plan and sending this back to the Building Department to move them forward.

Boardmember Foster said as far as the sprinklers I understood there should be sprinklers for the whole building and I didn't see that on the plans. Mr. Atkinson said the project architect is going to research that with the state and verify if it will just be the egress areas, if it will be one floor (the second floor), or the whole building and this will be provided to the Building Department.

Boardmember Kulo joined the meeting.

Mr. Atkinson said Mr. Scorca could not be at the meeting tonight, but told him he had no problem with this project moving forward and that he sent this project to the Planning Board out of courtesy to make sure that he wasn't stepping on the Planning Board's toes by not requiring a Site Plan and wanted the Planning Board's opinion as to whether or not this project prompts Site Plan requirements.

Chairman Lowell said both Mr. Scorca and Mr. Atkinson were very confident that this was the correct way to go to move this project along and felt the owner had this in hand now that they thoroughly walked through the project.

Boardmember Ward said I had a question about A9: it says proposed new 3 ft. high retaining stone wall and a recharging drain and the reason I'm asking is the library had to go through a lot to get their plans approved. It took a lot of clearance from the DEP (Department of Environmental Protection), she said. How is this work different and doesn't require those approvals from DEP, she said. Mr. Atkinson said there is no increase in impervious surface, they are staying in the same exact footprint and the library was adding an addition onto the back which was taking soil that was grass at the time and turning it into a building. He said they are also in the controlling distance of the reservoir. He said they are actually doing a reduction by doing the infiltration.

Boardmember Ward said I have questions on the short EAF form but if we are looking at a waiver then the EAF form doesn't have any impact.

Boardmember Foster said at the last meeting we talked about the parking lot and directed that the parking lot not be paved over because then it would cause runoff problems so, do we have a parking lot diagram in one of these plans. Boardmember Ward said A9 has it. Mr. Atkinson said once this comes out of the Planning Board, Mr. Scorca was going to require them to denote six parking spots and they were going to use six spots to the east going down the hill.

Boardmember Ward said question 12 on the EAF: "Does the project contain or is substantially contiguous to a building, archeological site, district determined by SHIPPA." Is the Methodist Church or the proximity to the theater such so that SHIPPA would not need to be consulted? she asked. Mr. Atkinson said on that form it is filled in

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by the DEC, we don't get to choose, so if there is a check of no then the DEC has already gone through their database to ensure no requirements.

Chairman Lowell said Mr. Guerrero, were they any plans to light the parking area or any side of the building in excess of any normal front porch light. Mr. Guerrero said we definitely plan on putting an exterior light on the outside but nothing like a commercial light.

Boardmember Foster said at the last meeting we had a discussion about the legality of the bedrooms with three vs. two bedrooms and whether he was grandfathered, is there anything further that needs to be done. Mr. Folchetti said the bedroom count is largely a Health Department issue. Mr. Atkinson said the County records show 6 bedrooms and this would go to 9 and Mr. Scorca seems to think that what is being presented is what is being put back into this building so I recommended that the applicant submit a letter to the Village Board requesting that the Village Board allocate enough sewage to the building to allow nine bedrooms in the building. Chairman Lowell said do we need to wait on our decision for the Village Board to approve. Mr. Atkinson said no, the Village Board will review this with Mr. Scorca.

Chairman Lowell said I believe we are considering whether this is a change of structure sufficient to warrant a further review or whether it's a rehabilitation of an existing property, that's what my interpretation is.

Boardmember Kulo said typically I'd like to see a waiver on something like this because the project doesn't have that much of an impact and to encourage the redevelopment of properties and cut down on unnecessary red tape is good.

Boardmember Ward said I just want to make sure we are not setting a precedent for other future renovations. Chairman Lowell said apparently the only official record on this building is from some time back from the turn of the previous century so there was a long period in this Village where there was very little zoning or building code adherence and any changes that were made to it over the nearly century and a half that it's been up are lost in time. He said my understanding is that the County shows it as two bedrooms per floor, but it certainly looks as though it could have accommodated three bedrooms per floor and the owner says that's how he got it so it is a restoration of an existing condition. He said it would be up to the Building Department to determine if the extent of the structural work would cause it to come to us. Mr. Atkinson said the Building Inspector did not refer this to the Planning Board because he thinks there is an increase in bedrooms, he believes that what's being presented is what was there and what he is really doing is saying that the building has gotten to a point where enough work has been done to it that 50% of the building doesn't remain anymore and he wanted to make sure the Planning Board had no issue with the fact that he was allowing them to build beyond that 50% mark. Boardmember Foster said I was a member of the church next door and about 10 years ago we did to an inspection of that building and they were three-bedroom apartments.

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Chairman Lowell asked Mr. Folchetti for appropriate wording for the motion. Mr. Folchetti said the motion would be “for a waiver of Site Plan Approval and Review pursuant to Village Code Section 182-1 subdivision R” and if you want to make that motion you can adopt it as stated by counsel and look for a second.

The motion as stated by Counsel, Chairman Lowell moved to vote on this motion to waive the Site Plan Review requirement, seconded by Boardmember Kulo and passed all in favor.

NEW BUSINESS:

None.

Boardmember Foster made a Motion to adjourn the meeting, seconded by Chairman Lowell, and passed all in favor.